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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,297	09/19/2003	Antti Vaha-Sipila	915-008.014	8405

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EXAMINER

GERGISO, TECHANE

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/667,297

Applicant(s)

VAHA-SIPILA, ANTTI

Examiner

Techane J. Gergiso

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a non-Final Office Action in response to the applicant's communication filed on March 09, 2007.
2. Claims 20-23 have been examined.
3. Claims 20-23 are pending.

Claim Objections

4. Claim 1 is objected to because of the following informalities: dash lines ("____") are drawn at the beginning of the following lines: claim 1: lines 2, 9, 11 and 14. The dash lines are not required and the examiner suggests removing them and appropriate correction is required.

Response to Arguments

5. Applicant's arguments with respect to claims 20-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al. (hereinafter referred to as Geiger; WO 200072149 A1; International Publication date 11/30/2000) in view of Hurts et al. (hereinafter referred to as Hurts; US Pat. No.: 2003/0224823 A1).

As per claims 20 and 22:

Geiger discloses an apparatus and a method comprising

a device for enabling integrity checking of a software module to be used in a mobile communication terminal (figure 1:10; page 3: lines 13-20), said terminal capable of communicating in a mobile communication system (figure 1: 20, 21), said software module ready for use except, before allowing the software module to take control of the terminal, the terminal communicates via the mobile communication system with a software provider (page 4: lines 8-15; figure 3: 200-230),

said communication including:

a transmitter for transmitting by said terminal of identifying information concerning said terminal to said software provider (page 4: lines 1-5, lines 22-25),

a receiver for receiving by said terminal a digitally signed data block comprising a reference value for use during integrity checking of said software module, and allowing the software module to take control of the terminal only if

the integrity of the software module properly checks (page 4L lines 1-5, lines 8-15, lines 22-25; figure 3: 200-230).

Geiger does not explicitly disclose software module stored on a removable memory unit connected to the terminal and identifying information of the memory unit. Hurts, in analogous art, however disclose software module stored on a removable memory unit connected to the terminal and identifying information of the memory unit (figure 7: 700A; 0008; 0009; figure 1:104). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Geiger to include software module stored on a removable memory unit connected to the terminal and identifying information of the memory unit. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide over-the-air activation of protected content pre-programmed on a memory device that is operable on mobile terminals as suggested by Hurts in (0008).

As per claims 21 and 23:

Geiger discloses an apparatus and method comprising:

a device for hashing the software module, resulting in a first hash value, wherein said transmitting of identifying information comprises transmitting a first identifier, associated with the memory unit, a second identifier, associated with the terminal and the first hash value via the mobile communication system to said software provider (page 6: lines 10-20; page 8: lines 6-13),

- a device for receiving, from the software provider, a data block comprising a digital signature and further data associated with the memory unit and the terminal (page 7: lines 7-11),
- a device for analyzing the received data block, comprising verification of the digital signature and comparison of said further data with said first and second identifiers (figure 1: 26, 14, 23, 22), and
- a device for storing the received data block comprising the digital signature, thereby providing a reference value for use during integrity checking of said software module (figure 1: 30, 31).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the notice of reference cited in form PTO-892 for additional prior art

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is (571) 273-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. G

Techane Gergiso

Patent Examiner

Art Unit 2137

April 1, 2007

Matthew D. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137